

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

PATRICIA J. GIBSON
Plaintiff,

V.

WESTPOINT STEVENS, INC.
et al.,
Defendants.

2007 JAN 18 P 1:50

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
D.: 03-06cv974-MEF-TFI

CIVIL ACTION NO.: 03-06cv974-MEF-TFM

PLAINTIFF'S OBJECTION TO UNIFORM SCHEDULING ORDER

The Plaintiff, Patricia J. Gibson, by and through her attorney of record, files this Objection to Uniform Scheduling Order (**Doc. 10**) issued on January 4, 2007, with the following contentions:

1. The Scheduling Order issued without the benefit of the Plaintiff's input on the Report of the Planning Meeting of the Parties filed by the Defendant (**Doc. 8**) on January 3, 2007, as required by **Rule 26(f)** of the *Federal Rules of Civil Procedure* and as required by this Court's Rule 26(f) Order (**Doc. 7**) issued on December 8, 2007;

2. Due to a malfunction of the undersigned attorney's facsimile machine, the documents that defense counsel reported sent on the dates shown in his Report were not actually received until the late afternoon of January 3, 2007;

3. On January 3, 2007, in response to the defense counsel's proposed Report, the undersigned attorney immediately prepared and sent a response for his consideration. ***See attached Exhibit "A," including the facsimile cover sheet.*** Receiving no response telephone call, the undersigned attorney called defense counsel on the afternoon of January 4, 2007, regarding the filing of the Report. During that telephone conversation, defense counsel informed the undersigned attorney that the Report had been filed. This Report was filed without the benefit of the response sent to defense counsel on January 3, 2007, and without the benefit of a courtesy telephone call from defense counsel to inform

the Plaintiff's counsel that the Report was being filed without the benefit of the Plaintiff's participation;

4. In its Rule 26(f) Order (**Doc. 7**), the Court gave the Parties until January 5, 2007, therefore, on January 4, 2007, the meeting could have been held and the filing could have been made within the Court's deadline to have the Report of the planning meeting between the Parties entered on the record;


5. The undersigned attorney did not know about the scheduled conference call set up by the defense counsel on January 2, 2007, and not until late in the afternoon on January 3, 2007. Matter of fact, on January 2, 2007, the Plaintiff's counsel, as did our Courts, observed the National Day of Mourning for our fallen President Gerald Ford;

6. Some of the dates and/or deadlines in the Uniform Scheduling Order are in conflict with those offered by the Plaintiff in her proposed Report of the Parties; and,

7. Where permissible and possible, the Plaintiff offers the attached proposed Report in **Exhibit "A"** for the Court's consideration.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully prays and requests that this Honorable Court consider this Objection and amend, alter and/or vacate the Uniform Scheduling Order accordingly.

Respectfully submitted,

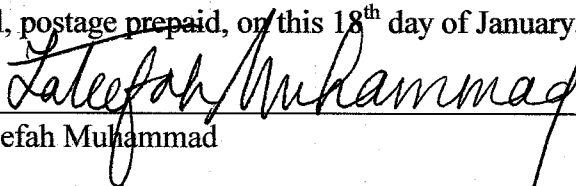


Lateefah Muhammad (Ala. Code MUH001)
ATTORNEY FOR PLAINTIFF

Lateefah Muhammad, Attorney At Law, P.C.
Post Office Box 1096
Tuskegee, Alabama 36087
(334) 727-1997 telephone and facsimile
lateefahmuhammad@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff's Objection to Scheduling Order to James C. Pennington, Esquire and Fred Suggs, Jr., Esquire, attorneys for Defendants, by sending it to OGLETREE DEAKINS, P.C., One Federal Place, Suite 1000, 1819 Fifth Avenue North, Birmingham, Alabama 35203, in the United States Mail, postage prepaid, on this 18th day of January, 2007.



Lateefah Muhammad

Exhibit A

LATEEFAH MUHAMMAD, ATTORNEY AT LAW, P.C.

3805 WEST MARTIN LUTHER HIGHWAY
TUSKEGEE, ALABAMA 36083

Mailing Address:

POST OFFICE BOX 1096
TUSKEGEE, ALABAMA 36087
(334) 727-1997 TELEPHONE/FACSIMILE

FAX COVER SHEET

DATE: 3 January 2007

TO: James C. Pennington, Esquire

OGLETREE DEAKINS P.C.

FROM: Lateefah Muhammad

FAX #: (205) 328-6000

PHONE#: (205) 328-1900

RE: OUR CLIENT FILE #06-0120/PATRICIA J. GIBSON

Gibson v. Westpoint Stevens, et al., 03:06cv974-MEF

This transmittal is 4 page(s), including this cover sheet.

☐ The original of this transmitted document will be sent by:

☐ Regular Mail

☐ Messenger

☐ AirEx, Express Mail, FedEx or UPS

☐ This will be the ONLY form of delivery of the transmitted document.

☐ Please call upon receipt, if necessary.

☒ Other instructions: Mr. Pennington, please review the attached in light of the proposed Report you have prepared. Upon review, you may call me to discuss the Report. Thank you.

This message is intended ONLY for the use of the Addressee and may contain information that is privileged and confidential. If you are not the intended Recipient, you are hereby notified that any dissemination, duplication or use of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by the telephone number above and return this original message to the above address by mail. Thank you.



**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

PATRICIA J. GIBSON

Plaintiff,

v.

WESTPOINT STEVENS, INC.

et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

CIVIL ACTION NO.: 03-06cv974-MEF

REPORT OF PARTIES' RULE 26 (F) MEETING

1. **Meeting.** Pursuant to Fed. R. Civ. P. 26(f), a meeting was held telephonically on January 3, 2007, and was attended by Lateefah Muhammad for the Plaintiffs, and James C. Pennington, for the Defendants.

2. **Pre-Discovery Disclosures.** The Parties will exchange on or before February 28, 2007, the information required by local rule 26.1(a)(1).

3. **Discovery Plan.** The Parties jointly propose to the Court the following discovery plan:

Discovery will be needed with respect to the facts and circumstances of this case, the basis of the Plaintiffs' claims and damages, and with respect to the basis of the Defendant's defenses;

All discovery will be commenced in time to be completed by September 15, 2007;

A maximum of thirty (30) interrogatories by each Party to any other Party, and responses are due 30 days after service;

A maximum of twenty-five (25) requests for admissions by each Party to any other Party, and responses are due 30 days after service;

A maximum of seven (7) depositions by Plaintiffs and seven (7) by the Defendant;

Each deposition, other than the depositions of experts, are limited to a maximum of eight

(8) hours, unless extended by agreement of the Parties;

Reports from retained experts under Rule 26(a)(2) are due from the Plaintiffs on or before September 3, 2007, and from the Defendant on or before October 3, 2007;

Supplementation under Rule 26(e) is due on or before October 30, 2007.

4. Other Items.

The Parties do not request a conference with the Court before entry of the Scheduling Order.

The Parties request a Pretrial Conference in November of 2007.

The Plaintiffs should be allowed until July 16, 2007, to join additional parties and until July 16, 2007, to amend the pleadings.

All potentially dispositive motions should be filed by October 1, 2007.

Mediation should be scheduled no later than October 15, 2007.

Settlement cannot fully be evaluated prior to September 15, 2007, provided, however, that if discovery is complete prior to September 15, 2007, the Parties will advise the Court that settlement can be evaluated at an earlier, supplemental date.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff by November 15, 2007, and from Defendants by November 30, 2007.

Parties should have ten (10) days after service of final witness/exhibit lists to file objections under Rule 26 (a)(3).

The case should be ready for trial by January 7, 2008, and at this time, it is expected to take approximately 2-3 trial days.

Respectfully submitted,

Lateefah Muhammad (*Ala. Code* MUH001)
ATTORNEY FOR PLAINTIFFS

Lateefah Muhammad, Attorney At Law, P.C.
Post Office Box 1096
Tuskegee, Alabama 36087
(334) 727-1997 telephone and facsimile
lateefahmuhammad@aol.com

James C. Pennington
Fred Suggs, Jr.
ATTORNEYS FOR DEFENDANTS

OGLETREE DEAKINS, P.C.
One Federal Place, Suite 1000
1819 Fifth Avenue North
Birmingham, Alabama 35203
(205) 328-1900 telephone
(334) 328-6000 facsimile
James.Pennington@odnss.com